

State of California  
Commission on the Status of Women



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Summary of 2001  
Laws Affecting Women

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**State of California**  
**Commission on the Status of Women**  
1303 J Street, Suite 400  
Sacramento, CA 95814

916-445-3173  
fax - 916-322-9466  
email - [info@women.ca.gov](mailto:info@women.ca.gov)  
[www.women.ca.gov](http://www.women.ca.gov)

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## Introduction

In 2001, the Commission adopted the theme of ***“NO WOMAN FORGOTTEN”*** and focused its legislative and policy efforts on issues of ***Equity, Economic Justice and the Underserved***, with special emphasis on Women and Girls in the Criminal Justice System. The Commission targeted legislation that would help women achieve pay equity and economic autonomy, including ***Access to Health Care and Preservation of Women's Reproductive Freedom, Violence Against Women, Gender Equity in Education and Employment, Family Law, and Child and Other Dependent Care***.

Of the Commission's **39 support measures**, 19 were enacted, including 5 Resolutions. The Commission **opposed** ACA 5 (Wyman/Campbell) which would have prohibited unemancipated minors from ending a pregnancy without prior notification of one of her parents or legal guardian, or a court order permitting waiver of these requirements. ACA 5 was defeated in the Assembly Health Committee.

Highlights this year include the Governor's signature on some key employment, economic and health-related bills. **Pay equity** is the focus of AB 43 (Wesson) which will require the Commission on the Status of Women, contingent on the availability of funds, to contract for a study to evaluate state civil service compensation and classification plans for wage disparities. **Incentives for small businesses** contracting with state and local government to subcontract with women-owned and minority-owned microbusinesses are provided under AB 1084 (Wesson)

Women will now have access to **emergency contraception (ECP)** without having to first see a physician for a prescription under the provisions of SB 1169 (Alpert). Health care coverage for patients participating in **clinical trials** is provided under SB 37 (Speier), and physicians will be required to distribute standardized information on **gynecological cancers** to female patients under the provisions of SB 1080 (Bowen).

Also of major significance was the Governor's signature on AB 25 (Migden) providing the greatest expansion of rights **for domestic partners**, giving registered couples new legal protections, including the right to make life and death decisions on each other's behalf.

**Economic stability** for couples choosing to enter into **prenuptial agreements** and whose marriages end in divorce will be better protected under the provisions of SB 78 (Kuehl) by ensuring that such agreements are executed voluntarily. SB 1221 (Romero) authorizes the court to deny or reduce the award of **spousal support** to anyone that has committed repeated acts of domestic violence against their spouse.

On the downside, **legislation** to address issues impacting **incarcerated women** and their families with regard to medical care, visitation rights, access to public assistance upon release, educational opportunities, and California's Compassionate Release program **were vetoed** this year. The Commission plans to continue its work on this issue in 2002.

The Commission monitored over 200 bills affecting California women in 2001. This report provides a summary of the measures passed and signed by Governor Gray Davis. Resolutions are assigned a chapter number by the Secretary of State when passed by the Legislature and do not require the Governor's signature. All new laws become effective on January 1, 2002, unless indicated as an "urgency measure, which generally means it becomes effective immediately upon the Governor's signature.

*More information on these measures can be accessed on the Internet by visiting [www.leginfo.ca.gov](http://www.leginfo.ca.gov), or contacting the author's office. If you would like to be added to the Commission's mailing list, please write, call, fax or email your request to us.*

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## Child/Dependent Care

**AB 685** Wayne

**Chapter 679**

Family Day Care Homes: Reporting Requirement

Requires licensed family day care homes to report any violence against a child or injury to a child to their parents. It further requires them to report to the State Department of Social Services any injury to a child that requires medical treatment, the death of any child, or any unusual incident or child absence that threatens the physical or emotional health or safety of any child.

**AB 866** Diaz

**Urgency Measure**

**Chapter 650**

Personal Income and Business and Corporation

Extends the availability of employer tax credits for startup expenses for child care programs or constructing a child care facility, costs for child care information and referral services, and costs paid or incurred for contributions to a qualified care plan to January 1, 2007.

**AB 1075** Shelley

**Chapter 684**

Skilled Nursing Facilities: Staffing Ratios

Requires the State Department of Health Services to develop regulations establishing staff-to-patient ratios with regard to direct caregivers, as defined, working in skilled nursing homes. The bill would also require skilled nursing facilities to post the information about staffing levels and would make a violation of the regulations subject to citation and fine. The regulations will become effective on August 1, 2003.

## Economic Justice

**AB 43** Wesson, et al

**Chapter 836**

Public Employment

Requires the State Commission on the Status of Women to contract for a study to evaluate the compensation and classification plans for state civil service and related employees. These provisions are contingent on availability of funds.

**AB 1449** Keeley

**Chapter 463**

Child Support

Requires the State Department of Child Support Services, in consultation with the State Department of Social Services, to establish regulations for local child support agencies to help alleviate some of an obligor's burden of reimbursing the state for public assistance debt when (1) the obligor's child has returned to the home and (2) when the reduction is necessary to help the obligor support the child.

**SJR 8** Speier  
Social Security

**Resolution Chapter 113**

Requests the federal government to implement the principles espoused by the Older Women's League in making changes to the Social Security System, including opposition to privatization of the System.

**Education**

**AB 6** Cardenas  
Before-and-After School Programs

**Chapter 545**

Expands the After School Learning and Safe Neighborhood Partnership Program to allow schools to add a before-school component to their program. It also allows programs to operate for up to 20 hours a week without obtaining a license or special permit otherwise required under prescribed provisions of law.

**ACR 14** Migden and Daucher  
Girls and Women in Sports Day

**Resolution Chapter 3**

Proclaims February 7, 2001 as a *Girls and Women in Sports* Day, honoring female athletes, coaches, officials, and sports administrators for their important contributions in promoting the value of sports in the lives of women and girls.

**ACR 21** Firebaugh, et al  
University of California Regents

**Resolution Chapter 41**

Requests that the UC Regents repeal SP-1, a measure approved in 1995 banning affirmative action policies in University of California admissions. By doing so, the Regents would assert that the University of California is committed to enrolling all students to the UC system, and to assure minority students that they are welcome and wanted.

**ACR 31** Strom-Martin  
Women's History Month

**Resolution Chapter 25**

Proclaims March 2001 as *Women's History Month*, honoring all women for their accomplishments and contributions throughout our history.

**SB 41** Alpert, et al **Urgency measure** **Chapter 870**  
California Native Americans: Instructional and Reference Resources

Requires the State Librarian to develop instructional resources for use in public schools and an information project to educate the general public on the State's Native American population.



**SB 225** Kuehl**Chapter 889****Education: Interscholastic Athletics: Discrimination**

Strengthens and clarifies remedies available to student athletes in incidents involving discrimination and broadens the basis for the prohibition against hate crimes. Also allows students in public schools who wish to file a gender discrimination complaint to do so directly with the State Department of Education.

**SB 257** Kuehl**Chapter 890****Schools: Hate Crimes**

Requires the School/Law Enforcement Partnership to expand interagency safe school programs to include hate crimes under the banner of school crimes. Also requires the comprehensive school safety plan to include development of a discrimination and harassment policy and the development of hate crimes reporting procedures.

**SB 354** Escutia**Chapter 888****Education: Interscholastic Athletics**

Extends the sunset date for the California Interscholastic Federation (CIF) from January 1, 2002 to January 1, 2007, changes the new date for the CIF to report on its evaluation and accountability activities from January 1, 2002 to January 1, 2005, and extends the sunset date of the State Department of Education's general supervision of physical education in elementary and secondary schools in the state from January 1, 2002 to January 1, 2007.

**SB 504** Scott**Chapter 910****Employment Discrimination: Nonprofit Educational Institutions**

Permits nonprofit public benefit corporations formed by or affiliated with a particular religion, that operate an educational institution as the sole or primary activity, to restrict employment, including promotion, in any or all employment categories to individuals of the particular religion. This bill would specify that nonprofit public benefit corporations remain subject to certain existing prohibitions against discrimination in employment.

## Employment

**AB 276** Migden and Koretz**Chapter 813****Discrimination: Remedies**

Extends to two years the period within which the Director of the State Department of Fair Employment and Housing can issue an accusation on behalf of a citizen complaint of violence or intimidation or threats of violence on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute. Once an accusation is made, an administrative proceeding is brought under the Fair Employment and Housing Act which is subject to an award of damages up to \$150,000.

**AB 1025** Frommer  
Lactation Accommodation

**Chapter 821**

Requires employers to provide reasonable accommodations for employees who wish to express breast milk during working hours.

**AB 1084** Wesson  
Public Contracts

**Chapter 882**

Expands small business preferences for state contracting to include microbusinesses and authorizes local government entities to require bidders to conduct outreach to minority, women, and other business enterprises in order to be eligible for a contract award as the lowest responsible bidder.

**Equality**

**AB 587** Firebaugh and Wesson  
Civil Rights

**Chapter 261**

Increases the amount of additional expenses someone can be held liable for, from \$1,000 to \$4,000, as a result of discrimination in business on the basis of sex, race, color, religion, ancestry, national origin, disability, or medical condition. Additionally allows a civil penalty of up to \$25,000 to be assessed individually against each person found to have violated the rights of any individual, and states that the penalty shall be awarded to each person that has had rights violated.

**AB 1088** Jackson  
Civil Rights: Gender Discrimination

**Chapter 312**

Improves the Gender Tax Repeal Act (GTRA) of 1995 by requiring specified businesses which provide services in California to conspicuously disclose the standard pricing they charge and to provide consumers written price lists upon request. Business establishments failing to correct a violation of the above within 30 days of receiving written notice of a violation is liable for a \$1,000 civil penalty.

**ACR 105** Strom-Martin  
90<sup>th</sup> Anniversary of Women's Suffrage

**Resolution Chapter 151**

Honors the 90th Anniversary of Women's Suffrage.

**SB 381** Chesbro

**Chapter 66**

Cities and Counties: Human Relations Commissions

Changes the category of groups that can create commissions on human relations to include people from groups of various race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, or civic interest, and people from other groups subject to prejudice and discrimination. Such Commissions conduct a variety of activities to foster mutual esteem, justice, and equity among various groups and inquire into incidents of tension and conflict among or between these groups.

## Family Law

**AB 539** Maddox

**Chapter 200**

Liability for Spousal Debts

Provides that when a surviving spouse who is responsible for certain debts of a deceased spouse fails to provide a creditor with timely written notice of the probate administration of the estate, the statute of limitations for the creditor to file action for repayment of debts shall revert from the one-year limit for actions in probate to the two-year or four-year limit applied to other debt collections.

**AB 583** Jackson

**Chapter 703**

Dissolution of Marriage: Community Property

Prevents deceptive, delaying and fraudulent activity by a party during the dissolution of marriage by requiring full and honest disclosure of income, assets, liabilities, business opportunities, etc. This law requires additional sanctions for violating disclosure requirements and would also limit the ability to waive a final declaration of disclosure.

**AB 873** Harman

**Chapter 417**

Nonprobate Transfers: Former Spouses

Clarifies existing law regarding the effect of filing and judgement of a marital dissolution on nonprobate transfers such as revocable trusts, pay-on-death accounts, joint tenancy title, and life insurance, among others.

**AB 891** Goldberg

**Chapter 651**

Child Support: Disabled Noncustodial Parents

Expands existing child support law to include benefits paid by the State Department of Veterans Affairs in determining the annual net disposable income of each parent for these purposes.

**AB 1426** Wright  
Child Support: Earnings Assignment

**Chapter 371**

Provides that a child support obligee or the local child support agency can apply for an order requiring child support payments to be made by electronic transfer from the employer's bank account when the employer has willfully failed to comply with the assignment order or when the employer has failed to comply with the order on three separate occasions.

**SB 78** Kuehl  
Premarital Agreements

**Chapter 286**

Establishes findings to be made by the court ensuring that a prenuptial agreement was executed voluntarily. Also provides that a party who waives spousal support has independent counsel at the time of signing the waiver and allows judges to overturn such waivers if they are unconscionable at the time of enforcement.

**SB 1151** Margett  
Child Custody: Appeals or Orders or Judgments

**Chapter 48**

Provides that statutorily authorized automatic stays on court orders affecting child custody do not apply in proceedings related to parental kidnapping of a child from the state or county holding custody jurisdiction.

## Health Coverage/Reproductive Freedom

**AB 25** Migden and Hertzberg  
Domestic Partnerships

**Chapter 893**

Provides registered domestic partners several basic rights that currently only married different-sex couples have under California Law. Among other provisions, this bill allows registered domestic partners the ability to make decisions, act as a conservator, and use sick leave to care for a family member.

**AB 59** Cedillo  
Health Programs: Eligibility

**Chapter 894**

Provides that any child enrolled in specified programs, such as free school lunches, shall be deemed to have met the income eligibility requirements for the Medi-Cal program.

**AB 68** Migden  
Health Care Providers: Private Duty Nursing Agencies

**Chapter 242**

Creates Private Duty Nursing Agencies, similar to Home Health Care Agencies, but that emphasize continuous care for chronically disabled children, in order to increase the number of health care providers serving disabled individuals and senior citizens who need continuous nursing care at home.

**AB 313** Goldberg  
Women, Infants, and Children's Nutrition

**Chapter 842**

Allows participants in the Women, Infant, and Children (WIC) Program to shop at any authorized grocery store rather than one designated store.

**AB 495** Diaz and Cohn      **Urgency Measure**  
Health Care Coverage

**Chapter 648**

Creates the Children's Health Initiative Matching Fund to provide matching state funds to counties for health insurance coverage to certain children in low-income households who do not qualify for health care benefits through the Healthy Families Program or Medi-Cal.

**AB 1347** Pescetti  
Dementia Caregiver Training

**Chapter 339**

Establishes dementia-specific training and education requirements for certified nursing staff of skilled nursing facilities and intermediate care facilities that provide care for elderly and disabled citizens.

**ACR 19** Wayne  
Colorectal Cancer Awareness Month

**Resolution Chapter 20**

Proclaims March 2001 as *Colorectal Cancer Awareness Month* in California.

**SB 37** Speier  
Health Insurance: Coverage for Clinical Trials

**Chapter 172**

Provides health care coverage for patients participating in clinical trials.

**SB 231** Ortiz  
Medi-Cal: Local Education Agency Services

**Chapter 655**

Requires the State Department of Health Services to amend the state's Medicaid Plan to improve the delivery of Medi-Cal services provided on school sites and increase access by students to those services.

**SB 344** Ortiz  
Health Care Data Reporting

**Chapter 276**

Requires the State Department of Health Services to place Medi-Cal enrollment and other program data on their website, in a format that can be easily understood by the general public.

**SB 696** Speier  
Pharmacies: Prescription Benefits: Medicare

**Chapter 693**

Creates the Golden Bear State Pharmacy Assistance Program, a discount prescription drug program for Medicare beneficiaries administered by the State Department of Health Services, that would be voluntary for Medicare beneficiaries, pharmacies and drug manufacturers. The program will be funded through rebates paid by drug manufacturers.

**SB 780** Ortiz

**Chapter 899**

Protection of the Exercise of Constitutional Rights

Makes it a state crime to prevent patients, employees, and doctors from gaining access to or providing family planning services.

**SB 1080** Bowen

**Chapter 730**

Medical Care Providers: Gynecological Cancer

Requires that a standardized summary be disseminated to female patients, in layperson's language, explaining the symptoms and appropriate methods of diagnoses for gynecological cancers. This new law also makes a physician or surgeon subject to an administrative fine upon the 2nd subsequent complaint of his or her failure to provide the patient with this summary

**SB 1169** Alpert

**Chapter 900**

Pharmacy

Allows California pharmacists to provide emergency contraception pills (ECP) to women in need in accordance with standardized protocols.

**SB 1219** Romero

**Chapter 380**

Health Coverage: Cervical Cancer Screening Test

Requires HMO's and other health insurers, upon referral of the patient's health care provider, to provide coverage for an annual cervical cancer screening test including the conventional Pap test and the option of any cervical cancer screening test approved by the federal Food and Drug Administration.

**SJR 3** Karnette, et al

**Resolution Chapter 112**

Reproductive Rights: Roe v. Wade

Requests the President and the U.S. Congress to preserve the integrity of the U.S. Supreme Court Decision in Roe v. Wade.

## Violence

**AB 4** Bates and Cardoza

**Chapter 544**

Sex Offenders: Registration

Expands sex offender registration to require sex offenders to register with campus police when enrolled or working on a college or university campus.

**AB 78**      Alquist  
Criminal Procedure: Evidence

**Chapter 235**

Makes changes in existing law regarding the introduction of evidence in child sexual abuse cases. Lowers the standard required for corroborating evidence from “clear and convincing” to a “preponderance of the evidence” in order to justify extending the statute of limitations. This shall apply in cases where the victim comes forward before the age of 21.

**AB 98**      Zettel  
Controlled Substances

**Chapter 838**

Makes the possession of specified controlled substances, including Clonazepam (used as a date rape drug), illegal without the prescription of a physician, a dentist, podiatrist or veterinarian licensed to practice in California.

**AB 102**      Rod Pacheco      **Urgency Measure**      **Chapter 133**  
Child Abuse Reporting: Endangerment of Child's Emotional Well-being

Expands reporting under the Child Abuse and Neglect Reporting Act (CANRA) to allow a mandatory reporter, who has knowledge of or reasonably suspects that mental suffering has been inflicted upon a child or that his or her emotional well-being is endangered in any other way, to make a report to a child protective agency.

**AB 160**      Bates, et al  
Domestic Violence: Protective Orders

**Chapter 698**

Makes a restraining order issued by a criminal court in a domestic violence case take precedence over a restraining order issued against the same individual in a civil court.

**AB 362**      Corbett  
Domestic Violence Prevention Act: Definitions

**Chapter 110**

Defines the term “dating relationship”, for the purposes of the Domestic Violence Prevention Act, to mean frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations.

**AB 380**      Wright  
Evidence of prior sexual offenses

**Chapter 517**

Expands the list of sex offenses which may be admitted to a court of law to include aggravated sexual assault of a child – allowing this information to be admissible when proving the perpetrators conduct on a specified occasion.

**AB 409** Correa  
Victims of Crime: Extension of Filing Period

**Chapter 552**

Adds victims of crimes in which the perpetrator is sentenced to death or life without possibility of parole to the list of victims and circumstances where the California Victim Compensation and Government Claims Board may grant an extension (from one to three years) to file a claim for financial assistance. Additionally, the Board may grant an extension beyond three years for good cause under specified circumstances in child sexual abuse and sexually violent offense cases.

**AB 469** Cohn  
Domestic Violence

**Chapter 483**

Expands information that a law enforcement officer must include in a domestic violence incident report to include information on whether he or she found it necessary, for their protection or the protection of others, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present and whether the inquiry disclosed the presence of a firearm or deadly weapon.

**AB 477** Cohn  
Criminal Procedure

**Chapter 82**

Requires that a person accused of a misdemeanor domestic violence offense be present for arraignment and sentencing.

**AB 673** Migden, et al  
Forensic Identification

**Chapter 906**

Expands who is required to provide DNA samples to the State Department of Justice (for inclusion in the DNA and Forensic Identification Data Base) to include people who have been convicted of or who have pled guilty or no contest to burglary, robbery, arson, or carjacking, or an attempt to commit these offenses.

**AB 731** Wayne  
Domestic Violence

**Chapter 816**

Enacts the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act which authorizes the enforcement of a valid protective order in California when the order is obtained in another state.

**AB 819** Jackson and Shelley  
School Safety

**Chapter 735**

Among other provisions, states the intent of the Legislature that school sites receiving funds pursuant to the School Safety and Violence Prevention Act provide age-appropriate instruction in domestic violence prevention, date violence prevention, and interpersonal violence prevention.



**AB 1017** Jackson  
Victims of Crime

**Chapter 712**

Expands the Victims of Crime Program to include grandparent or grandchild within the definition of "derivative victim," and extends the time in which an individual can file a claim under certain circumstances to January 1, 2004.

**AB 1019** Corbett  
Victims of Crime

**Chapter 419**

Expands eligibility for crime victims who are specifically authorized to receive up to \$2,000 for relocation/housing expenses to include victims of sexual assault. Payment is made through the California Victim Compensation and Government Claims Board. Also, adds any sexual assault or domestic violence victims to those who may receive such reimbursement on an emergency, or expedited, basis.

**AB 1570** Pavley  
Batterer's Treatment Programs

**Chapter 568**

Requires individuals convicted of battery in a domestic violence case, as a condition of probation, to attend appropriate consecutive weekly counseling sessions. Allows only 3 excused absences for good cause from weekly counseling sessions, and requires individuals to complete the program within a period of 18 months unless the court modifies such requirements.

**ACR 99** Thomson  
Health Cares About Domestic Violence Day

**Resolution Chapter 131**

This measure proclaims October 10, 2001 as *Health Cares About Domestic Violence Day*.

**SB 66** Kuehl  
Domestic Violence: Protective Orders: Background Checks

**Chapter 572**

Requires the court, prior to a hearing on the issuance or denial of a protective order, to ensure that a search of specified records and data bases is or has been done to determine prior criminal history of the proposed subject of the order.

**SB 185** Bowen  
Battered Women's Shelters

**Chapter 439**

Requires the Maternal and Child Health Branch of the State Department of Health Services to provide on-site reviews of each agency that receives funding for their battered women's shelter. Site visits would be utilized to provide a performance assessment and technical assistance to each agency.

**SB 297** Speier  
DNA Data Base

**Chapter 467**

Expands the DNA database maintained by the State Department of Justice to include genetic markers that predict gender. The database is used to compare the DNA of missing persons or their relatives with the DNA of unidentified deceased persons.

**SB 333** Escutia  
Elder Death Review Teams

**Chapter 301**

Authorizes any county to establish an Elder Death Review Team to assist in identifying and reviewing suspicious elder deaths and facilitating communications among those involved in such cases. Additionally, the bill specifies which local and state agency staff and private entities shall participate.

**SB 425** Torlakson  
Contra Costa County: Domestic Violence

**Chapter 90**

Authorizes the Contra Costa County Board of Supervisors to increase fees for certified copies of marriage certificates, birth certificates, fetal death records and death records for the purpose of providing additional funding for governmental oversight and for coordination of domestic violence prevention, intervention, and prosecution efforts in the county. The maximum fee increase, applicable till 2007, is \$2.00. This bill applies to only Contra Costa County.

**SB 502** Ortiz  
Elder Abuse

**Chapter 579**

Requires the Office of Criminal Justice Planning (OCJP), in cooperation with specified state and local agencies, to establish medical forms, instructions, and examination protocols for victims of domestic violence, elder abuse and neglect.

**SB 799** Karnette  
Battered Women's Syndrome: Writ of Habeas Corpus

**Chapter 858**

Allows women who were convicted of homicide, prior to the enactment of the Evidence provision providing for the admissibility of evidence relating to Battered Women's Syndrome (BWS), to bring a writ of habeas corpus when there is a reasonable probability that the result of the case may have been different had evidence of BWS been admissible in the original trial.

**SB 1221** Romero  
Spousal Support: Domestic Violence

**Chapter 293**

Authorizes the court to deny or reduce the award of spousal support to a spouse who has committed repeated acts of domestic violence against their spouse.

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